

1 MAYER BROWN LLP
2 JOHN NADOLENCO (SBN 181128)
3 *jnadolenco@mayerbrown.com*
4 350 South Grand Avenue, 25th Floor
5 Los Angeles, CA 90071-1503
6 Telephone: (213) 229-9500
7 Facsimile: (213) 625-0248

8
9 LAUREN R. GOLDMAN (*pro hac vice*)
10 *lrgoldman@mayerbrown.com*
11 1221 Avenue of the Americas
12 New York, NY 10020-1001
13 Telephone: (212) 506-2500
14 Facsimile: (212) 262-1910

15 Attorneys for Defendant
16 Facebook, Inc.

17
18
19
20
21
22
23
24
25
26
27
28
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

1
2
3
4
5
6
7
8
9
IN RE FACEBOOK BIOMETRIC
10 INFORMATION PRIVACY LITIGATION

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
THIS DOCUMENT RELATES TO:
ALL ACTIONS

Master Docket No.: 3:15-CV-03747-JD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
**DECLARATION OF BENJAMIN
STRAHS IN SUPPORT OF FACEBOOK,
INC.'S OPPOSITION TO PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
Date: March 29, 2018
Time: 10:00 a.m.
Location: Courtroom 11

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
Hon. James Donato

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
**REDACTED VERSION OF DOCUMENT
SOUGHT TO BE SEALED**

1 I, Benjamin Strahs, under penalty of perjury of the laws of the United States, depose and
2 state as follows:

3 1. I have been employed by Facebook, Inc. (“Facebook”) as a software engineer
4 since August 2009. In my role at Facebook, I am familiar with Facebook user account settings
5 and how those settings are stored and maintained on Facebook’s computer systems. I am
6 familiar with the matters set forth below based on personal knowledge, and from my review of
7 records kept and made by Facebook in the regular course of business. If called as a witness, I
8 could and would testify competently as to each of the matters below.

9 2. Facebook users can opt out of Tag Suggestions by disabling the feature in their
10 account settings. Each Facebook user’s Tag Suggestions settings are maintained by Facebook in
11 a database, which is automatically updated in the ordinary course of business as users access and
12 change their settings.

13 3. On November 14, 2017, I queried Facebook’s database for the Tag Suggestions
14 settings associated with the three named plaintiffs in the *Facebook Biometric* matter: Adam
15 Pezen, Carlo Licata, and Nimesh Patel. Attached as Exhibit 1 (FBBIPA_00044568) is a true and
16 correct copy of the output that I obtained from my query, which lists each plaintiff’s Facebook
17 account user ID, his Tag Suggestions setting on that date, when that setting was first accessed
18 (the “created” field in Exhibit 1), and when it was last updated.

19
20
21
22
23
24
25
26

27 5. Facebook considers the above information disclosing the account settings selected
28 by Facebook users to be non-public information, and takes steps to prevent such information

1 from becoming publicly available or available to people outside of Facebook.
2

3 I declare under penalty of perjury of the laws of the United States that the foregoing is
4 true and correct. Executed on January 25, 2018 in Washington, District of Columbia.

5 
6 Benjamin Strahs
7

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28